

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES H. JOHNSON,

Plaintiff,

v.

Case No. 06-13636

WAYNE STATE UNIVERSITY,

HONORABLE AVERN COHN

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

In August 2006, plaintiff Charles Johnson (Johnson), proceeding pro se and in forma pauperis, sued defendant Wayne State University (WSU), claiming that WSU discriminated and retaliated against by failing to employ him. As will be explained, the Court dismissed the case.

Before the Court is plaintiff's motion for reconsideration. For the reasons that follow, the motion is DENIED.

II.

After being served with plaintiff's complaint, in September of 2006, WSU filed a Motion to Dismiss under Fed. R. Civ. P 12(b)(1) and (b)(6) on the grounds that the Court lacked subject matter jurisdiction and the complaint failed to state a claim upon which the relief can be granted. In the alternative, WSU sought an order compelling Johnson to provide a more definite statement of the factual basis of his claims. The Court granted in part and denied in part the motion, dismissing Johnson's claim under the Age Discrimination in Employment Act and directing Johnson to file an amended

complaint, setting forth the complete factual basis for his claims, within ten (10) days. See Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, filed November 27, 2006. Johnson failed to file an amended complaint within ten days as directed. Instead, nearly thirty days after the Court's order, on December 26, 2006, Johnson filed a motion for entry of default against WSU. It appeared that Johnson sought entry of a default judgment because WSU has not answered the complaint and because that WSU's counsel's notice of appearance seemed to be deficient. On January 4, 2007, the Court dismissed the complaint without prejudice because plaintiff failed to file an amended complaint which contains a detailed statement of his claims. Plaintiff did not appeal.

Nearly a year later, on January 2, 2008, plaintiff filed the instant motion for reconsideration of the dismissal. Although the motion is untimely,<sup>1</sup> the Court has reviewed the motion and finds no basis for reconsidering the dismissal of plaintiff's complaint.

SO ORDERED.

Dated: January 9, 2008

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Charles H. Johnson, 1410 Washington Blvd, Apt. 905, Detroit, MI 48226 on this date, January 9, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160

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<sup>1</sup>E.D. Mich. LR 7.1(g) provides that a motion for reconsideration be filed within ten (10) days of the judgment or order.